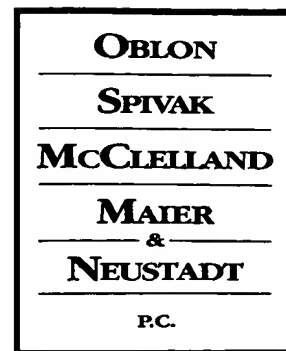




Docket No.: 245497US41X CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/717,672
Applicants: Alexandre CORJON, et al.
Filing Date: November 21, 2003
For: APPARATUS FOR ACCELERATING
DESTRUCTION OF A VORTEX FORMED BY A
WING OF AN AIRCRAFT
Group Art Unit: 3644
Examiner: Stephen A. Holzen

SIR:

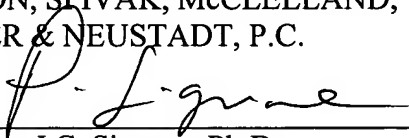
Attached hereto for filing are the following papers:

Provisional Election of Species

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


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DOCKET NO: 245497US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ALEXANDRE CORJON, ET AL. : EXAMINER: STEPHEN A. HOLZEN
SERIAL NO: 10/717,672 :
FILED: NOVEMBER 21, 2003 : GROUP ART UNIT: 3644
FOR: APPARATUS FOR :
ACCELERATING DESTRUCTION OF A
VORTEX FORMED BY A WING OF AN
AIRCRAFT

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated May 3, 2005, Applicant provisionally elects with traverse the species of Group B, identified in the outstanding Office Action as corresponding to Figure 3, and the species of Group D, wherein the perturbation device is disposed within the flap, for further examination on the merits. Applicant identifies Claims 1, 2, 8-11, 14-21, and 23-30 as readable on the elected species. Applicant reserves the right to file one or more divisional applications directed to the non-elected species. Claims 1, 2, 10, 11, 16-21, 24, 25, and 27-30 are generic.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct species, MPEP § 803 states the following:

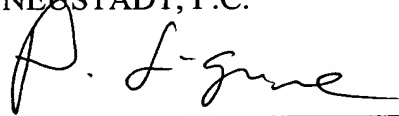
If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Office Action does not identify search classifications, it is believed that the claims of the present application would have to be searched in a handful of subclasses. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Election Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 1-30 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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